

REMARKS

Favorable reconsideration is respectfully requested in view of the foregoing amendments and the following remarks.

I. Claim Status and Amendments

Claims 16-27 and 29-31 were pending in this application when last examined and stand rejected. Claims 16-27 and 29-31 are cancelled and new claims 32-45 are added. No new matter has been added.

Claims 32-45 are pending upon entry of this amendment.

II. Allowable Subject Matter

Applicants gratefully acknowledge the Examiner's suggestion, at pages 4-8 of the Office Action, of new claims 32-45 that are directed to allowable subject matter. New claims 32-45 that are identical to those suggested by the Examiner have been added.

III. Claim Rejections - 35 USC § 112

At page 2, the Office Action rejects claims 16-27, 29 and 31 under 35 U.S.C. § 112, second paragraph, as being indefinite, and under 35 U.S.C. § 112, first paragraph, for lack of enablement. Applicants respectfully traverse the rejections.

Applicants cancel claims 16-27, 29 and 31. As indicated in the Office Action, new claims 32-45 address all of the issues noted in these rejections. The Office Action also indicates that new claims 32-45 contain allowable subject matter. Thus, Applicants request reconsideration and withdrawal of the rejections.

IV. Claim Rejections - 35 USC § 102

At page 4, the Office Action rejects claim 30 under 35 U.S.C. § 102(b) as being anticipated by Palker et al. (Journal of Virological Methods, 18:243-255, 1987). Applicants respectfully traverse the rejection.

Claim 30 has been canceled, thus rendering moot this rejection. Applicants request reconsideration and withdrawal of the rejection.

V. Information Disclosure Statement

The Office Action returned a PTO-1449 form, dated November 2, 2005, which indicated by a line drawn through the three foreign patent documents that these references were not considered by the Examiner. The Office Action also fails to affirmatively indicate, by Examiner initials, that the seven non-patent literature documents were considered by the Examiner.

Applicants submit that these references should have been officially considered. Copies of the three foreign patent documents should have been forwarded to the USPTO by the International Search Authority. Copies of the non-patent literature documents were provided in the March 6, 2009, Amendment. For the Examiner's convenience, Applicants submit herewith courtesy copies of the three foreign patent documents and respectfully request that the Examiner consider all of the references listed in the IDS of November 2, 2005, and return an Examiner-initialed copy of PTO-1449 form indicating as such in the next office communication.

VI. Conclusion

Having addressed all of the outstanding issues, the amendment is believed to be fully responsive, and entry of the above amendments is earnestly solicited. Applicants respectfully request that a timely Notice of Allowance be issued in this case.

Should there be any matters that need to be resolved in the present application, the Examiner is respectfully requested to contact the undersigned at the telephone number listed below.

The Commissioner is hereby authorized in this, concurrent, and future submissions, to charge any deficiency or credit any overpayment to Deposit Account No. 25-0120 for any additional fees required under 37 C.F.R. § 1.16 or under 37 C.F.R. § 1.17.

Respectfully submitted,

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HJV/jr

APPENDIX:

The Appendix includes the following items:

- ☒ - copies of foreign patent documents:
WO 96/41193
WO 98/03197
WO 92/13946